

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OHIO**

<b>In Re:</b>	)	<b>Case No. 19-11864 JPS</b>
	)	
<b>Western Reserve Water Systems, Inc.</b>	)	
	)	<b>Chapter 11</b>
	)	
<b>Debtor</b>	)	<b>Judge Jessica E. Price Smith</b>

**Response of the United States Trustee to Application for Order  
Approving Employment of Consultant**

Now comes Daniel M. McDermott, the United States Trustee for Region 9, and hereby submits the following response to the *Application for Order Approving Employment of Consultant* (the “Application”) filed by debtor Western Reserve Water Systems, Inc. (the “Debtor”) in which it seeks to retain David Gouttiere and the consulting firm FocusCFO (jointly referred to as “Gouttiere”). In support, the U.S. Trustee responds as follows:

1. The Debtor filed its chapter 11 bankruptcy case on May 1, 2019. *Doc. 1*. On or about May 7, 2019, the Debtor filed the instant Application in which it seeks to retain Gouttiere to provide financial management and consulting services to the Debtor. While the U.S. Trustee does not oppose the retention of Gouttiere, the U.S. Trustee has several concerns regarding his retention which the U.S. Trustee has communicated to Debtor’s counsel.

2. Those concerns include that the Application did not specify that the Debtor seeks to retain Gouttiere under 11 U.S.C. Section 327(a) of the Bankruptcy Code and that he will comply with fee provisions set forth in 11 U.S.C. Sections 330 and 331. The U.S. Trustee also inquired as to the amount of any prepetition fees owed to Gouttiere and whether he would waive such

fees. Finally, the U.S. Trustee requested Gouttiere, who seeks to be paid a flat daily rate fee, keep statements detailing the services he renders and dates of such service and attach such statements to his fee applications.

3. After communication and discussion with Debtor's counsel regarding the U.S. Trustee's concerns, it is the understanding and belief of the U.S. Trustee that Gouttiere is owed a balance of \$15,475 for prepetition services which he is will to waive. Gouttiere has also agreed that going forward he shall keep track of his time. Further, it is the understanding and belief of the U.S. Trustee, that the Debtor seeks to retain Gouttiere pursuant to 11 U.S.C. Section 327(a) and that Gouttiere shall file fee applications as required by 11 U.S.C. Sections 330 and 331.

4. Based upon the foregoing, the U.S. Trustee is not opposed to the entry of an order approving Gouttiere's retention which incorporates the items noted herein.

**Wherefore**, the United States Trustee respectfully requests this Court to enter an order consistent with the foregoing response.

Respectfully Submitted,

Daniel M. McDermott  
United States Trustee  
Ohio/Michigan Region 9

By: /s/Amy L. Good  
Amy L. Good (#0055572)  
Trial Attorney  
Office of the U.S. Trustee  
201 Superior Avenue, Suite 441  
Cleveland, Ohio 44114  
(216) 522-7800 ext. 236  
amy.l.good@usdoj.gov

# Certificate of Service

I certify that on May 15, 2019, a true and correct copy of the foregoing *Response* was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Glenn E. Forbes bankruptcy@gefaw.net,  
gforbes@gefaw.net;r45233@notify.bestcase.com
- Joseph B. Jerome jbj@jeromelaw.com
- Rodd A. Sanders rsanders@sonkinkoberna.com
- Michael P. Shuster mshuster@porterwright.com
- United States Trustee (Registered address)@usdoj.gov

By: /s/Amy L. Good  
Amy L. Good (#0055572)  
Trial Attorney  
Office of the U.S. Trustee  
H.M. Metzenbaum U.S. Courthouse  
201 Superior Avenue  
Suite 441  
Cleveland, Ohio 44114  
(216) 522-7800 ext. 236  
amy.l.good@usdoj.gov